

Rochester Conservation Commission

Minutes of the November 20, 2013

Public Hearing and Regular Meeting

(Approved December 18, 2013)

Members Present:

Deborah Shigo, Chair

Michael Dionne, Vice Chair

Mark Jennings (arrived at 6:45 pm)

Jack Hackett (arrived at 6:45 pm)

Jeff Winders (arrived at 6:45 pm)

Members Absent:

Meredeth Lineweber (absent, excused)

Staff: Seth Creighton

REGULAR MEETING

The Chair convened the regular meeting at 6:46 p.m.

Minutes: The regular and non public meeting minutes of October 23 were reviewed. Mark Jennings made a motion to accept both meetings minutes presented, Jack Hackett seconded. The motion passed unanimously.

Discussion:

a) Conditional Use Permit Application Presentation – Amazon Park Water Line proposed wetland & buffer impacts (Map-Lot: 255-40; Whitehouse Rd/Old Dover Rd)

Steve Haight (project engineer), Mike Cumo (project wetland scientist), and John Weeden (property owner of Amazon Park) presented the project to the Conservation Commission. Steve Haight explained that this proposal is a result of NH DES requiring that Amazon Park provide cleaner potable water and how the project involves Somersworth, Rochester, and NH DES. Mike Cumo explained the anticipated wetland impacts and how these areas have been previously impacted. John Weeden provided a history of the woods road that the proposed water line will follow.

The Commission discussed that these wetland and buffer encroachments aren't too concerning because they are in the same location of historic impacts, and that the applicant has chosen the least impacting alternative by choosing to located the waterline within the parameters of a 50-year-old woods road. Additionally, the wetland impacts will be temporary – the impacted wetlands will be immediately restored. Steve Haight invited the members to a site walk, only Jeff Winders was interested in/available to walk the site. John Weeden said that he could meet Jeff Winders to walk the site; Jeff Winders took John Weeden's phone number and said he'd contact him in the next day or so.

Jack Hackett motioned to approve the CUP with the following conditions:

- 1) Silt sock is to be used for erosion control.
- 2) Existing culverts are to be replaced and/or upgraded if needed, as determined during site work.
- 3) The post construction grades must match preconstruction grades.
- 4) Only the areas shown to be impacted are allowed to be impacted; (do not store, dump-in, cut, or otherwise disturb any other wetland or wetland buffer areas).
- 5) The owner is to walk the site with a member of the Commission; any changes agreed upon during this site walk shall be added to the final plan set.

Jeff Winders seconded the motion; all others voted in favor. The motion passed unanimously.

b) Conditional Use Permit Application Presentation – Textile Tapes Corp Expansion proposed wetland buffer impacts (Map-Lot: 141-29; 104 Pickering Rd)

Rick Lundborn from Norway Plains Associates presented the proposal and explained the current site and buffer condition, why the buffer incursion is necessary, and the proposed post development conditions.

The Commission discussed the project and agreed that they don't typically offer their support to wetland/buffer incursions, but that this site was different because it was an industrial use; the wetland buffer in the area of proposed impact is a low value buffer because it has been previously cleared (historically) and is now laden with invasive sumac trees and some scrub brush; removal of invasive species is supported; the request conforms to the 'Buffer reduction' requirements set forth in Ordinance 42.19(i)(1)(B); there is no grading, drainage, or structures proposed within the 25' buffer, and; given the anticipated additional phases of development, permitting this encroachment will negate or minimize the need for future encroachments, while allowing for greater stormwater treatment.

Jeff Winders made the motion to approve the CUP with the following conditions:

- 1) Orange snow fence is to be placed at the limits of disturbance prior to construction, and remain in place until the project is complete.
- 2) The applicant must meet onsite with Planning Department staff prior to cutting or grading to verify that the snow fence is installed in the correct location (to make sure that cut line onsite matches that shown on the plan).
- 3) Erosion controls must be inspected and maintained on a regular basis (i.e. – weekly, and after rain events).
- 4) The applicant understands that the Commission is not at this time endorsing future wetland buffer disturbance; any additional buffer disturbance will be reviewed in detail.

Deborah Shigo seconded the motion; all others voted in favor. The motioned passed unanimously.

Conservation Overlay District - Conditional Use Review:

See items "a" and "b" under the "Discussion" section above.

Dredge and Fill Applications: The Commission signed the NH DES Minimum Expedited Wetlands application for the Amazon Park waterline.

Violations: Jeff Winders explained that he had talked with Staff Planner Seth Creighton and City Engineer Mike Bezanson about improper installation of silt fence and overcutting at the new Family Dollar lot. Seth Creighton told the Commission that the City is working with the project's agent to rectify these issues.

Correspondence: None to discuss.

Notice of Intent to Cut Wood or Timber: a) Intent to Cut for Map 203 Lot 20 (Cross Rd) – There was no concern with or discussion of this Intent.

b) Intent to Cut for Map 247 Lot 23 (74 Estes Rd) – Seth Creighton asked Mark Jennings if he had any information on this property. Mark Jennings said that he knows the owners and

thinks that they are cutting because others are cutting on Estes Rd right now. He sees no concern with this, the other Commission members agreed.

Reports: None.

Old Business:

a) Review of Conservation Easement language The Commission discussed what rights the City has versus what rights the property owner has when easements are placed on a property via City funding. They also talked about what restrictions are desirable, which are not, and how each property will be reviewed individually and restrictions formed accordingly. In all cases of City funding, the Commission said they need to be involved in the formation of easement language.

b) Discussion regarding ZBA's processing of Conservation Overlay District variances Seth Creighton let the Commission know that he and Deborah Shigo had drafted a letter to send to the ZBA. Deborah Shigo reminded the Commission that this was discussed in length last month, and that when the letter was finalized, a copy would be provided to each member.

New Business: None to discuss.

Other Business: Resident Dorothy Harris of 125 Ten Rod Rd, was present and asked the Conservation Commission if they had found the Conservation Easement document for the Severino property (which abuts her property), if the Commission had visited the site to view the logging, and if the restrictions in the easement were being followed. Chair Deborah Shigo let Ms Harris know that herself, Jeff Winders, and Seth Creighton had visited the site and viewed the logging and determined that the logging was at least a year old and was done well. Deborah Shigo also explained that the easement language and forest management plan for the Severino property was printed and reviewed and that the documents do allow for the cutting. Michael Dionne explained why leaving slash on a logged property is beneficial to forest regeneration and wildlife habitat. Ms Harris said that the presentation that the developer made to the City Council and abutters was misleading because he made it sound like the land would remain natural. Deborah Shigo reminded Ms Harris that the Commission was not involved with the review or acceptance of this easement and that the City Council was responsible for the review and acceptance. Ms Harris thanked the Commission for walking the site and researching the easement language, she said she was grateful for all of their help.

Invitation to Rochester Planning Board's Annual Retreat on December 11th Seth Creighton reminded the Commission of the invitation to the PB's annual retreat to be held at the Community Center. The Commission asked Seth Creighton what this was all about. Seth Creighton said he understood it to be a meeting held by the PB at which they recap what they've worked on over the last year and what is in line for the future. Deborah Shigo said that she is unavailable on the 11th. Mark Jennings and Jack Hackett asked that more information be sent to them regarding this retreat.

Farmington Parcel under Easement near Whaleback Pond: Seth Creighton said that he had been contacted by the Society for the Protection of NH's Forests (SPNHF) regarding a conservation easement that the City of Rochester holds on a Farmington, NH parcel that is near Whaleback Pond. Seth Creighton explained that SPNHF called because the easement says that if the City of Rochester doesn't monitor and enforce the easement restrictions, then SPNHF will obtain the easement. The Commission members said they are not aware of this property, and Jeff Winders said he had never heard of this in his nearly 20 years on the

Commission. The Commission asked Seth Creighton to report back to SPNHF to let them know this, but to tell SPNHF that they are interested and are happy to walk the property with them.

**Non-Public Discussion Pursuant to RSA 91-a:3 II (d):
Discussion of acquisition of real property (recent site walks/LACE sheets)**

At 8:01 p.m. Michael Dionne made a motion to go into non-public session. Jack Hackett seconded the motion. The motion passed unanimously

At 9:05 p.m. Michael Dionne made a motion to come out of non-public session and seal the minutes. Jack Hackett seconded the motion. The motion passed unanimously.

Adjournment:

At 9:10 p.m. Deborah Shigo made a motion to adjourn. Michael Dionne seconded the motion. The motion passed unanimously.

Respectfully submitted,

Seth Creighton, Staff Planner